

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BRADLEY ALAN JONES,

Plaintiff,

v.

DARREL KUHL,

Defendant.

ORDER

10-cv-44-bbc

This is a prisoner civil rights case brought under 42 U.S.C. § 1983 in which plaintiff Bradley Allen Jones contends that defendant Darrel Kuhl failed to protect him from another prisoner when he was at the Columbia County Jail. Now before the court are plaintiff's motions to compel documents from federal agencies, dkt. 38, and to compel discovery responses from defendant, dkt. 39.

First, plaintiff's motion to compel documents from federal agencies will be denied. These agencies are not parties to this case. Plaintiff may request the documents from the agencies or subpoena the documents in the manner allowed by Fed. R. Civ. P. 45.

Second, plaintiff asks the court to compel production of documents he sought in requests for production 2-5, 18, 20-23, 25 and 27. RFPs 2, 20 and 27 seek all documents relating to the Columbia County Jail's training on "how to deal with inmate assaults." Defendant objects to producing these documents because there is no claim concerning failure to train or of an inadequate response to the altercation. Defendant is correct as to RFPs 2 and 20.

RFP 27, however, asks for information about inmate-on-inmate assaults, which could lead to admissible evidence concerning plaintiff's failure to protect claim. Therefore, I will *partially* grant plaintiff's motion to compel production of documents responsive to RFP 27: defendants

must produce any documents that relate to training on how to recognize and prevent inmate-on-inmate assaults.

RFPs 3-5 and 8 seek the 2007 version of certain documents. Defendant responds that these versions no longer exist. Therefore, I will deny plaintiff's motion to compel production of these documents.

RFPs 18, 21-23 and 25 seek documents concerning procedures, which have been provided to him. Plaintiff has not stated why he believes defendant's responses to be incomplete. Therefore, his motion to compel the production of these documents will be denied.

ORDER

IT IS ORDERED that:

1. Plaintiff's motion to compel discovery, dkt. 39, is GRANTED IN PART as to request for production 27 as outlined above and DENIED in all other respects.
2. Plaintiff's motion to compel documents from federal agencies, dkt. 38, is DENIED.

Entered this 9th day of August, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge